

Moore  
Morris  
Ramsey

Vick  
Weinert  
York

Absent—Excused

Kelley

Spears

The President directed the Sergeant-at-Arms to enforce the attendance of all unexcused absent members.

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—4

Aikin  
Stanford

Stone  
Sulak

Nays—14

Carney  
Chadick  
Crawford  
Jones  
Knight  
Lane  
Martin

Mauritz  
Metcalf  
Moffett  
Parrish  
Shivers  
Taylor  
Winfield

Absent

Brown  
Bullock  
Graves  
Hazlewood  
Lanning  
Moore

Morris  
Ramsey  
Vick  
Weinert  
York

Absent—Excused

Kelley

Spears

Senators Brown and Spears appeared in the Senate Chamber and were announced present.

At the direction of the President, the roll was called to ascertain the presence of a quorum.

The following 21 Senators answered to their names:

Aikin  
Brown  
Carney  
Chadick  
Crawford  
Jones  
Knight  
Lane  
Lanning  
Martin  
Mauritz

Metcalf  
Moffett  
Parrish  
Shivers  
Spears  
Stanford  
Stone  
Sulak  
Taylor  
Winfield

Senator Winfield then moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 23, 1945.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16

Brown  
Carney  
Chadick  
Crawford  
Knight  
Lane  
Lanning  
Martin

Mauritz  
Metcalf  
Moffett  
Parrish  
Shivers  
Spears  
Taylor  
Winfield

Nays—5

Aikin  
Jones  
Stanford

Stone  
Sulak

Absent

Bullock  
Graves  
Hazlewood  
Moore  
Morris

Ramsey  
Vick  
Weinert  
York

Absent—Excused

Kelley

Accordingly, the Senate, at 1:25 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, April 23, 1945.

SIXTY-SECOND

(Monday, April 23, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin  
Brown  
Bullock  
Carney  
Chadick  
Crawford  
Graves  
Jones  
Knight  
Lane  
Lanning  
Mauritz  
Metcalf  
Moffett

Moore  
Morris  
Parrish  
Ramsey  
Shivers  
Spears  
Stanford  
Stone  
Sulak  
Taylor  
Weinert  
Winfield  
York

A quorum was announced present.

On invitation of the President, Senator Jones offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 19, 1945, was dispensed with and the Journal was approved.

#### Leaves of Absence Granted

Senators Kelley and Vick were granted leaves of absence for today on account of important business on motion of Senator Crawford.

Senators Hazlewood and Martin were granted leaves of absence for today on account flooded highways on motion of Senator Winfield.

#### Communication

The President laid before the Senate, and directed the Secretary to read, the following communication:

Austin, Texas,  
April 18, 1945.

Hon. John Lee Smith,  
Lieutenant Governor and President  
of the Senate,  
Forty-ninth Legislature,  
Austin, Texas.

My dear Mr. Lt.-Governor:

With reference to our recent conversation and in compliance to your request, I have the honor of transcribing herewith, a translation into the English language, of the congratulatory message that the Honorable Dr. Antonio Villalobos, Federal Senator of the Republic of Mexico and President of the Mexican Revolutionary Party, sent to you on March 6, 1945, relative to the Hon. J. Franklin Spears' anti-discriminatory Bill (S. B. 1).

The above mentioned translation is as follows:

"As Federal Senator and President of the Mexican Revolutionary Party I warmly felicitate members of the Senate committee who underwrote the recommendation for approval of the Spears' anti-discriminatory bill. I hope that the ideals of Pan-Americanism and high spirit of humanitarianism of the 31 Senators of that State will prompt them to approve the bill as an act of justice to our co-nationals that are humiliated and discriminated

by people who have no right to represent themselves as members of the great community of the United States which is the leader of the good neighbor policy.

Attentively,  
Dr. ANTONIO VILLALOBOS."

As mentioned to you in our conversation, the translation as it was published on page 325 of the Senate Journal of the Forty-ninth Legislature of the State of Texas and dated March 8, 1945, is more or less a literal translation of the original and does not convey the friendly spirit in which it was written. It leaves the impression that Dr. Villalobos was trying to suggest a line of conduct to the Honorable members of the Senate of the State of Texas, when he really was congratulating the Honorable members of the State Affairs Committee on the stand taken in regard to Senate Bill Number 1 by the Hon. J. Franklin Spears, and hoping that the 31 honorable Senators would give their vote of approval to said Bill, as an act of justice to the Mexican people who are constantly humiliated and discriminated against by some people who do not have the right to represent themselves as members of the great community of the United States of America, which is the originator and principal leader of the Good Neighbor Policy.

In order to dispell any misunderstanding that might have been created by the wrong translation of Dr. Villalobos' telegram, I hope that you will consider it appropriate and convenient to have the correct English version read at an early session of the Texas Senate, and its content reprinted in the Senate Journal.

Hoping to hear from you at your convenience and thanking you in advance for your kind attention, I beg leave, Honorable Sir, to remain

Very respectfully yours,  
LUIS L. DUPLAN,  
Consul of Mexico.

The communication was read, and ordered printed in the Journal.

#### Reports of Standing Committees

Senator Crawford submitted the following report:

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game

and Fish, to whom was referred H. B. No. 462, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CRAWFORD, Chairman.

Senator Metcalfe submitted the following report:

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Motor Traffic, to whom was referred H. B. No. 586, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

METCALFE, Chairman.

Senator Bullock submitted the following report:

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 746 by Smith and Hays, have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do pass, with the attached Committee Amendment, and be not printed.

BULLOCK, Chairman.

**Motion to Take Up Senate Concurrent Resolution 25**

Senator Moffett moved to suspend the regular order of business to take up for consideration at this time:

S. C. R. No. 25, Relating to change in war time to standard time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

**Yeas—15**

Brown	Moffett
Chadick	Morris
Crawford	Parrish
Jones	Ramsey
Knight	Sulak
Lane	Winfield
Lanning	York
Metcalfe	

**Nays—10**

Aikin	Shivers
Bullock	Spears
Graves	Stanford
Maurtiz	Stone
Moore	Taylor

**Absent**

Weinert	Carney
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**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

**Senate Bill 90 With House Amendments**

Senator Morris called S. B. No. 90 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—26**

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Weinert
Maurtiz	Winfield
Metcalfe	York

**Absent**

Moore

**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

**Senate Bill 1 Set as Special Order**

Senator Spears moved that Senate Bill No. 1 be set as a special order for Friday, April 27, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—16

Aikin	Metcalf
Brown	Morris
Bullock	Parrish
Chadick	Spears
Crawford	Stanford
Graves	Sulak
Jones	Taylor
Mauritz	Winfield

Nays—8

Carney	Ramsey
Knight	Shivers
Lane	Weinert
Moore	York

Absent

Moffett	Stone
Lanning	

Absent—Excused

Hazlewood	Martin
Kelley	Vick

(Senator Winfield in the Chair)

#### House Bill 384 Set as Special Order

Senator Chadick moved that House Bill No. 384 be set as a special order for Wednesday, April 25, 1945, immediately following the morning call:

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Jones	Stanford
Knight	Sulak
Lane	Taylor
Mauritz	Winfield
Metcalf	York

Present—Not Voting

Weinert

Absent

Lanning	Stone
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Absent—Excused

Hazlewood	Martin
Kelley	Vick

#### Motion to Set House Bill 12 as Special Order

Senator Ramsey moved that House Bill No. 12 be set as a special order for Wednesday, April 25, 1945, immediately following the disposition of House Bill No. 384, previously set as special order for that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Moore
Bullock	Ramsey
Carney	Spears
Crawford	Taylor
Knight	Weinert
Lanning	Winfield
Mauritz	York
Metcalf	

Nays—12

Brown	Morris
Chadick	Parrish
Graves	Shivers
Jones	Stanford
Lane	Stone
Moffett	Sulak

Absent—Excused

Hazlewood	Martin
Kelley	Vick

#### House Bill 42 Set as Special Order

Senator Bullock moved that House Bill No. 42 be set as a special order for Wednesday, April 25, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—19

Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Jones	Stanford
Knight	Stone
Mauritz	Weinert
Metcalf	

Nays—6

Aikin	Sulak
Lane	Taylor
Lanning	Winfield

Absent

Spears	York
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**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

**House Joint Resolution 10 Set as Special Order**

Senator Graves moved that House Joint Resolution No. 10 be set as a special order for Wednesday, April 25, 1945, immediately following the disposition of special orders already set for that day.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Winfield
Mauritz	York
Metcalfe	

**Nays—2**

Moore	Weinert
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**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

**House Bill 502 on Second Reading**

The Presiding Officer laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 192, A bill to be entitled "An Act amending Section 12 of Article 4732 of the Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 166, Chapter 364, Acts 48th Legislature, Regular Session, 1943, page 639; making the Act cumulative; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

At the request of Senator Stanford, S. B. No. 192 was withdrawn and H. B. No. 502, containing the same substance, was laid before the Senate as the special order, on its second reading and passage to third reading.

H. B. No. 502 was then read second time.

(Senator Taylor in the Chair)

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 192 by adding the following at the end of Section 12:

"The minimum amount in any case or set of facts shall be shown in large type on the face of the policy."

Senator Stanford moved to table the amendment.

The motion to table prevailed by the following vote:

**Yeas—15**

Brown	Ramsey
Bullock	Spears
Crawford	Stanford
Graves	Stone
Knight	Sulak
Moore	Weinert
Morris	Winfield
Parrish	

**Nays—10**

Aikin	Lanning
Carney	Moffett
Chadick	Shivers
Jones	Taylor
Lane	York

**Absent**

Mauritz	Metcalfe
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**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 502 by adding after word persons in line 19 these words: "together with a designation of all paragraphs of provisions limiting or reducing the payment to less than the maximum provided in the policy."

The amendment was adopted.

Senator Stanford offered the following amendment to the bill:

Amend House Bill No. 502 by adding the word "maximum" before the word "amount" appearing in the third line of Section 12 of the original bill.

The amendment was adopted.

House Bill No. 502 was then passed to third reading.

**House Bill 502 on Third Reading**

Senator Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 502 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—25**

Brown	Morris
Bullock	Parrish
Carney	Ramsey
Chadick	Shivers
Crawford	Spears
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Weinert
Metcalf	Winfield
Moffett	York
Moore	

**Nays—1**

Aikin

**Absent**

Maurtiz

**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

(President in the Chair)

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—23**

Brown	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Winfield
Maurtiz	York
Metcalf	

**Nays—3**

Aikin	Weinert
Shivers	

**Absent**

Spears

**Absent—Excused**

Hazlewood	Martin
Kelley	Vick

**Bills Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following bills:

S. B. No. 42, A bill to be entitled "An Act amending Chapter 433, page 694, Section 1, Acts of the Regular Session of the Forty-seventh Legislature, (Article 5068-2, Vernon's Texas Statutes,) (relating to health and accident insurance), and declaring an emergency."

S. B. No. 46, A bill to be entitled "An Act authorizing the State Board of Control to require and/or construct and/or recondition and equip a State Training School for dependent and delinquent colored girls at a cost of not to exceed \$150,000; appropriating \$150,000 for such purpose and further appropriating \$40,000 for the maintenance and operation of said institution for the year ending August 31, 1946 and \$50,000 for such maintenance and operation for the year ending August 31, 1947, authorizing the State Board of Control to fix salaries of the superintendent and employees thereof at amounts not exceeding those paid for comparable positions in similar State institutions; and declaring an emergency."

S. B. No. 75, A bill to be entitled "An Act regulating the sale and labeling of livestock medicines; providing for registration with State Health Officer; providing for enforcement; providing penalties; providing a savings clause; allocating fees; appropriating funds; and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act prescribing the method for the annexation of unoccupied territory contiguous and adjacent to the city limits of certain incorporated cities and towns on petition of the owners of all such territory; providing for the recording of such petitions; and declaring an emergency."

**Reports of Standing Committees**

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 319, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We your Committee on State Affairs, to whom was referred H. B. No. 614, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 615, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred S. B. No. 325, have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

STANFORD, Vice Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 579, have had same under consideration and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 820, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 537, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 821, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of  
the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 541, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

#### Joint Session

At 11:30 a. m., the President announced the hour had arrived for a Joint Session of the Senate and the House of Representatives to hear a

concert by the Beaumont Melody Maids pursuant to the provisions of House Concurrent Resolution No. 59.

The Senators proceeded in a body to the Hall of the House and were duly announced, and escorted to seats prepared for them along the center aisle.

Representative Will L. Smith presented Mr. Maury Pollard, Civic leader of the City of Beaumont, who then introduced Mrs. Mason Milam, Director of the chorus, and the Melody Maids to the Joint Session.

The Beaumont Melody Maids, under the direction of their leader, Mrs. Milam, assisted by Miss Gerry Vaughn, pianist, and Mr. Charles Williams, director of music at the South Park High School of Beaumont, rendered a program of choral numbers, duets, and solos to the Joint Session.

At the conclusion of the program, Representative C. E. Nicholson presented the Beaumont Melody Maids a signed copy of the resolution inviting them to appear in concert before the Joint Session of the Legislature.

The President announced the business of the Joint Session concluded and requested the Senate to retire to its Chamber.

#### In The Senate

The President called the Senate to order at 12:10 o'clock p. m.

#### Message from the House

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 571, A bill to be entitled "An Act amending Article 619 of the Penal Code of the State of Texas making it a violation of law to keep or exhibit for the purpose of gaming, any policy game, any gaming table, bank, wheel or device of any name or description whatever, or any table, bank, wheel or device for the purpose of gaming which has no name, or any

slot machine, any pigeon-hole table, any Jenny-Lind table or table of any kind and providing a penalty and declaring an emergency."

H. B. No. 511, A bill to be entitled "An Act to amend Section 57, House Bill No. 407, Chapter 4, Acts of the Forty-sixth Legislature as amended by Chapter 272, Acts of the Forty-eighth Legislature, Regular Session, 1943; providing for the disposition of monies derived from the Certificate of Title Act; and declaring an emergency."

H. B. No. 616, A bill to be entitled "An Act to amend Chapter 361, Acts 1943, 48th Legislature, p. 635, providing for the classification of prisoners for good conduct, industry and obedience and the commutation of time in accordance with said classification and declaring an emergency."

H. B. No. 798, A bill to be entitled "An Act providing for the appointment of assistant county attorneys in counties having a population of Sixty Thousand and One (60,001) and not more than One Hundred Thousand (100,000) according to the last preceding Federal census in counties where the county attorney performs the duties of county attorney and district attorney; providing for the method of their appointment; providing for their compensation; providing for certain reports and applications and declaring an emergency."

H. B. No. 437, A bill to be entitled "An Act to amend Senate Bill No. 158, Acts of the Regular Session of the 48th Legislature so as to extend the time of existence of the Special 9th District Court of Montgomery, Polk, San Jacinto and Trinity Counties, and fixing the effective date of the beginning of such extension; and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act authorizing the governing boards of Junior Colleges organized and created in any manner under the provisions of House Bill No. 955, Chapter 37, Acts of 1939, Special Laws, 46th Legislature, Regular Session, and all amendments thereof, to issue bonds for acquisition of sites therefor, to provide sinking funds to retire bonds, to levy taxes of not greater than twenty (20) cents on the Hundred Dollars (\$100) valua-

tion; providing for elections authorizing taxes for such purposes; providing for the assessment and collection of taxes for necessary amount to meet expenses of operating; supporting, and maintaining such colleges; containing a repealing clause; providing a savings clause; and declaring an emergency."

H. B. No. 693, A bill to be entitled "An Act validating all Public Junior Colleges now organized and conducted in the State of Texas, which have been actually in operation prior to January 1, 1943, or which are recognized as standard Junior Colleges by the State Department of Education, and authorizing such Junior Colleges to receive the privileges and benefits of House Bill No. 10, Chapter 290, Acts of 1929, 41st Legislature, Regular Session, and all amendments thereof; and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act amending Section 10 of Article 46a, Vernon's Texas Civil Statutes; providing for a uniform system of reporting adoptions to the State Department of Public Welfare; providing for the safeguarding of the confidential nature of the records; providing a repealing clause; providing a saving clause and declaring an emergency."

H. B. No. 636, A bill to be entitled "An Act amending Subsections (2) and (17) of Section 4, and Sections 5, 6, and 8 of the Public Welfare Act of 1941, being House Bill 611, Chapter 562, page 914, Acts of the 47th Legislature, Regular Session, and being Article 695C, Subsections (2), and (7) of Section 4, and Sections 5., 6, and 8 of Vernon's Texas Civil Statutes; providing for cooperation with local units of Government; removing residence requirements for personnel with the State Department of Public Welfare; providing for the creation of Divisions within the Department by the State Board of Public Welfare, and the allocation of funds among the Divisions as necessary; amending Section 6 by adding a new Subsection to be known as Subsection (6a); providing for cooperation with the Federal Government in administering all Federal Statutes relating to Public Welfare not otherwise provided for and accepting funds from the Federal

Government for these purposes; defining the duties and responsibilities of the Department of Public Welfare in respect to child welfare services; providing for the inspecting and licensing of day nurseries, child placing agencies, children's boarding homes, etc.; providing a saving clause and declaring an emergency."

H. B. No. 635, A bill to be entitled "An Act restricted to a clarification of the functions originally transferred from the State Board of Control to the State Department of Public Welfare; providing a saving clause and declaring an emergency."

H. B. No. 835, A bill to be entitled "An Act amending Article 1107, Revised Civil Statutes of Texas, 1925, as amended by Acts of 42nd Legislature, Chapter 250, as amended by Acts of 47th Legislature, Chapter 181, and declaring an emergency."

H. B. No. 846, A bill to be entitled "An Act amending Article 2624, Revised Civil Statutes of Texas, 1925, changing the name of the College of Industrial Arts, at Denton, in Denton County, to the "Texas State College for Women"; providing a changed meaning of the name, 'College of Industrial Arts,' or any reference thereto, wherever such name or reference appears in the Revised Statutes of Texas, 1925, or any amendments thereto, or in any Acts of any Legislature passed since the adoption of said Revised Statutes; ratifying and confirming in behalf of the Texas State College for Women all Legislative Acts and appropriations heretofore passed in behalf of the College of Industrial Arts of the Texas State College for Women; and declaring an emergency."

H. B. No. 128, A bill to be entitled "An Act further regulating elections and governing the nomination of candidates by providing a method for holding primary elections by convention especially applicable to organized political parties whose candidate for governor in the preceding general election shall have received less than thirty (30) per cent of the votes; provided a method for electing delegates to national conventions and Presidential Electors; repealing Articles 3154 through 3157, both inclusive of the Revised Civil Statutes of Texas, 1925

Revision; and providing a severability clause."

H. B. No. 760, A bill to be entitled "An Act authorizing and directing the Board of Control of the State of Texas to purchase for any county or other political subdivision of the State such surplus war materials or surplus goods, merchandise, equipment or other wares from the Federal Government or its agencies as made the offer for sale by them, provided such county or other political subdivision requests the Board of Control to make such purchases, and provided sufficient funds are deposited with the Board of Control to cover payment therefor; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act making an appropriation for the "Upper Guadalupe River Authority"; designating who shall have authority to execute vouchers under the direction and with the consent of Directors of said district; limiting the purposes for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said District; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act to amend Article 1373, Penal Code of 1925, and increasing the penalty for a violation thereof, and declaring an emergency."

H. B. No. 791, A bill to be entitled "An Act amending Article 4617 of the Revised Civil Statutes of 1925, as amended by the Acts of the Regular Session of the Forty-fifth Legislature, Chapter 499, page 1343, so as to provide for authority of wife to encumber, convey, or transfer her separate property when husband in armed forces of the United States Government, and without the continental United States; and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act amending Article 6595, Title 115, Chapter 1, Revised Civil Statutes of Texas, 1925; amending Article 3930, Title 61, Chapter 2, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 344, A bill to be entitled "An Act to amend Article 2968, of

the Revised Civil Statutes of the State of Texas, requiring those persons entitled to poll tax exemption to secure a new certificate annually; and declaring an emergency."

H. B. No. 480, A bill to be entitled "An Act amending Article 4141, of Chapter 4, Title 69, of Revised Civil Statutes of Texas, 1925, so as to provide for rules and regulations to govern the County Judge in fixing and setting a bond of guardians in instances where the ward will acquire monies in installments from insurance and pension sources."

H. B. No. 704, A bill to be entitled "An Act making a certain emergency appropriation for the Prairie View State Normal and Industrial College, Prairie View, Texas, for the remainder of the current fiscal year ending August 31, 1945; and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act to transfer the control and management of the Galveston State Psychopathic Hospital from the State Board of Control to the Board of Regents of the University of Texas; and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act amending Senate Bill 250, Chapter 231, Acts of the Forty-eighth Legislature, Regular Session, by directing the State Department of Public Welfare to prepare a list of certain obsolete records belonging to the State Department of Public Welfare for the years beginning 1932 through August 31, 1944, to be submitted to the Texas Library and Historical Commission for examination; directing such Commission to acquire such records as are wanted by them within five (5) days after delivery of such list; and providing for the transfer of such records on and after September 1, 1944, as they become obsolete, and for the transfer of certain obsolete records to the State Board of Control for sale and destruction if they are not wanted by the Texas Library and Historical Commission; providing a repealing clause and saving clause; and declaring an emergency."

H. B. No. 121 To amend Article 4141 of the Revised Civil Statutes of Texas, 1925, providing that bonds made by surety companies authorized to write such bonds in the State of

Texas may be in the amount of the value of the personal property belonging to such estate, plus a reasonable amount to cover the rents, revenues and income derived from the renting or use of real estate belonging to such estate, plus any additional sum that may be found necessary by the county judge to protect such estate.

H. B. No. 230, A bill to be entitled "An Act to amend Section 20 of Chapter 65, General and Special Laws, 41st Legislature, 1st Called Session as amended by Chapter 235, General Laws of Texas, 43rd Legislature, Regular Session, relating to regulating the avocation and art of barbering; providing for annual renewal of certificates of registration to practice barbering to be issued by the Board of Barber Examiners, and for an increased renewal registration fee; providing for a restoration of expired certificates of registration to practice barbering; and providing for a renewal of certificates of registration in case of barbers who have retired from practice for not more than five (5) years, and an increase in such renewal registration fee; repealing all laws or parts of laws in conflict herewith; if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

H. B. No. 353, A bill to be entitled "An Act to amend Article 2874 of the Revised Civil Statutes of 1925 providing that some member or employee of each District Board of Trustees enter into a bond in the sum of fifty per cent of the value of books consigned to such board."

H. B. No. 667, A bill to be entitled "An Act amending Section 3 of House Bill No. 429, Acts, 45th Legislature, Regular Session; providing for the filling of vacancies in the Board of School Trustees in All Cities constituting Independent School Districts, which have assumed control of their public free schools and having, according to the last preceding Federal Census a population of not less than 101,000 inhabitants and not more than 105,000 inhabitants, and prescribing the term which such appointees shall serve, and requiring the filling of any such vacancy for the remaining unexpired

term at the next general school election; and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act amending Article 8281, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 562, A bill to be entitled "An Act to amend Article 1371 of the Penal Code relating to the control of any dog accustomed to run, worry, or kill goats, sheep or poultry, by adding to said Article a provision making it unlawful for any owner, keeper, or person in control of any dog which has bitten or attacked any person off the premises of the owner to permit such dog to run at large and providing a penalty therefor."

H. B. No. 411, A bill to be entitled "An Act to amend Article 7059, Revised Civil Statutes of Texas, as amended by the acts of the 55th Legislature, Third Called Session, Chapter 36, so as to provide for an occupation tax from telegraph companies and the time and method of collecting same.

H. B. No. 530, A bill to be entitled "An Act amending Article 6118, of the Revised Civil Statutes of Texas, of 1925, so as to provide for the publication of the terms of a limited partnership once in each week for four consecutive weeks after registry, and providing that if such publication be not made that the partnership shall be deemed general, and declaring an emergency."

H. B. No. 813, A bill to be entitled "An Act amending Section 6 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature as amended by Section 2, of Chapter 20, Acts of the Second Called Session of the Forty-fifth Legislature as amended by Section 1 of Chapter 390, Acts of the Regular Session of the Forty-eighth Legislature; repealing Section 22 of Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature, as amended by Acts 1939, Forty-sixth Legislature; and declaring an emergency."

H. B. No. 732, A bill to be entitled "An Act to amend Article 634 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 17, Acts, Second Called Session, Forty-first Legislature (1929); and declaring an emergency."

H. B. No. 816, A bill to be entitled "An Act to amend Senate Bill No. 109, Acts of the Thirty-ninth Legislature, Regular Session, 1925, so as to allow the Ben Bolt Independent School District to have its own assessor and collector of taxes, school depository, and the management of their school; and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act amending Article 30 of the Code of Criminal Procedure of this State, relating to the authority of district and county attorneys to administer oaths when taking criminal complaints so as to authorize said officers to administer oaths when ever necessary in the performance of their official duties; and declaring an emergency."

H. B. No 817, A bill to be entitled "An Act providing that the State of Texas may enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole."

H. B. No. 382, A bill to be entitled "An Act amending Article 5142 of the Revised Civil Statutes of 1925, as amended by Senate Bill 133 passed at the Regular Session of the 40th Legislature; providing for juvenile officers; providing for their selection, compensation, expenses, and prescribing their duties; providing for their assistants; providing all things necessary and incident to the main purpose of this Act; and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act amending Article 2791 of the Revised Civil Statutes of Texas and Article 2792 of the Revised Civil Statutes of Texas, as amended, so as to create the office of assessor and collector of each independent school district, whether created by special or general laws, with certain powers and duties, and so as to authorize the board of trustees of any independent school district to have its taxes assessed and collected, or collected only, by the city assessor and collector of an incorporated city or town in the limits of which the school district, or a part thereof, is located; providing for remuneration for such assessment and collection; and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act amending Chapter 5, Acts of the 39th Legislature, Regular Session, 1925; prescribing the method of appointing navigation and canal commissioners in navigation districts composed of lands in two counties; authorizing the issuance of revenue bonds by navigation districts organized under Article XVI, Section 59, of the Constitution of Texas to acquire facilities to provide a water supply for designated purposes; authorizing such districts to own and operate such facilities or to contract for the operation of designated portions thereof; validating the creation and organization of all navigation districts composed of lands in two counties and all bonds issued by such districts and all taxes levied to pay such bonds, where certain prescribed conditions were met; providing that the unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency."

H. B. No. 793, a Bill to be entitled "An Act to amend subsection (a) of Section 13 of Chapter 465 of the General and Special Laws of the Forty-fourth Legislature, Second Called Session, relating to the compensation of stenographers for county judges; and declaring an emergency."

H. B. No. 730, A bill to be entitled "An Act amending Article 6964, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act amending Article 6953, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act to amend Article 3576 of the Revised Civil Statutes of Texas, providing that whenever any property of an estate is ordered to be sold, and a bond made by the executor or administrator therefor, that same be in an amount equal to the value actually received by said estate from said sale, if the surety of said bond is a domestic or foreign corporation permitted to do business in this State; and repealing all laws in conflict with this act; and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act to amend Article 3386 of the Revised Civil Statutes of Texas, by amending said article so that when

executors' and administrators' bonds are made by either domestic or foreign corporations permitted to do business in this state, such bonds may be in a sum of the estimated value of the personal property belonging to such estate, plus such reasonable estimated amount as may be found necessary by the court for the protection of such estate; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 836, A bill to be entitled "An Act creating Road District No. 6 of Lamb County, Texas, under authority of Article 3, Section 52, of the Constitution of Texas, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; defining and setting out the boundaries of said Road District by metes and bounds; reciting that it comprises a portion of Road District No. 2 of Lamb County, Texas, which has outstanding bonds; declaring that it is not intended by the creation of Road District No. 6 of Lamb County, Texas, to interfere in any manner with the functioning of Road District No. 2 of Lamb County, Texas; requiring the commissioners' court of Lamb County, Texas, to continue to levy, assess and collect an Ad Valorem tax upon the territory of Road District No. 2 for the payment of the principal and interest on the territory's proportionate part of the outstanding bonds of Road District No. 2; authorizing the issuance of bonds by the newly created Road District No. 6 of Texas as in the case of ordinary road districts and in the conformity with Article 3, Section 52, of the State Constitution, providing that the indebtedness for the purposes aforesaid shall never exceed the limit fixed by the Constitution and laws of this State; and declaring an emergency."

H. B. No. 592, A bill to be entitled "An Act amending Section 5 and 7, Article 5142B, Title 82, of the Revised Civil Statutes of the State of Texas."

H. B. No. 780, A bill to be entitled "An Act repealing Chapter 202, Senate Bill 507, Special Laws, Regular Session, 42nd Legislature, regulating the taking of turkeys in Robertson County; and declaring an emergency."

H. B. No. 443, A bill to be entitled "An Act to validate the Mexican Grant made by the State of Coahuila and Texas to Jesus Cardenas in the year 1834 now situated in the Counties of La Salle and Dimmit, Texas, being Abstract No. 1 in La Salle County and Abstract No. 2 in Dimmit County, as such grant is now delineated on the official maps of the General Land Office for the Counties of La Salle and Dimmit, Texas, relinquishing to said Jesus Cardenas, his heirs and assigns all right, title and interest of the State of Texas in and to such Jesus Cardenas Grant and to authorize and require the Commissioner of the General Land Office of the State of Texas to issue a patent to such grant to the original grantee, Jesus Cardenas, his heirs and assigns, and declaring an emergency."

H. B. No. 540, A bill to be entitled "An Act to amend Article 5921, Title 96, of the Revised Civil Statutes of Texas, 1925, relating to removal of disabilities of minors so as to provide that minors above the age of eighteen years of age can have their disabilities of minority removed; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act to amend Article 6602, Revised Civil Statutes of Texas, 1925, as amended by Chapter 45, Section 1, Acts of the 48th Legislature, Regular Session, 1943; and declaring an emergency."

H. B. No. 548, A bill to be entitled "An Act to amend Article 4, Chapter V, Sub-section 7 and 2 of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, to prescribe the terms under which State Banks can make loans upon the security of real estate; and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act amending the provisions of Article 1995, Section 9 of the Revised Civil Statutes of Texas, 1925; repealing all laws or parts of laws in conflict with such Section of said Article as hereby amended; and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act amending Articles 2701 and 3888, Revised Civil Statutes of Texas, 1925, as amended; providing for an assistant to the ex-officio county superintendent of public instruction; pro-

viding for office and traveling expense for such ex-officio county superintendent; providing remuneration for such officials; repealing all laws and parts of laws in conflict herewith, providing a saving clause; and declaring an emergency."

H. B. No. 279, An Act amending Section 4, Chapter 282, Acts of the Regular Session, Forty-first Legislature (1929), as amended by Section 1, Chapter 174, Acts of the Regular Session, Forty-second Legislature (1931), and as amended by Section 1, Chapter 148, Acts of the Regular Session, Forty-fifth Legislature (1937); and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act making an appropriation to pay a miscellaneous claim out of any monies in the General Revenue Fund of the State of Texas not otherwise appropriated; authorizing the Comptroller of Public Accounts to pay said claim; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act to amend House Bill No. 956, Chapter 7, page 133, Acts of the Forty-sixth Legislature, Regular Session, being Article 1322, Chapter 3, Title 32, of the Revised Civil Statutes of the State of Texas, relating to the execution of deeds by corporations, by including trust officers in the enumeration of corporate officers authorized to execute conveyances of lands; and declaring an emergency."

H. B. No. 626, A bill to be entitled "An Act to amend Articles 182, 183, 184, 187, 188, and 189 of the Civil Statutes of the State of Texas, Revision of 1925; and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act to amend Section 5, of Chapter 285 of the Acts of the 48th Legislature, relating to the penalty and to those liable to prosecution for polluting public bodies of surface water; and declaring an emergency."

H. B. No. 829, A bill to be entitled "An Act to amend Section 1 of the Acts of 1939, 46th Leg. p. 707, relating to the exclusion of land from water improvement districts and water control and improvement districts so as to authorize the exclusion of land which is not agricultural in its nature, as well as land which is of

such a nature that it cannot be irrigated in a practicable manner, and so as to provide for the publication of notice of hearing no petitions for such exclusion in a newspaper having a circulation in the district, and declaring an emergency."

H. B. No. 828, A bill to be entitled "An Act to amend Article 2806 of Chapter 13 of Title 49, Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, 42nd Leg. P. 182, Chapter 106, Section 1, relating to the consolidation of school districts, and declaring an emergency."

H. B. No. 64, A bill to be entitled "An Act to be known as the 'Cabbage Standardization and Inspection Act' to be effective during the Texas Cabbage Marketing Season as defined in the Act; providing for the standardization of cabbage by means of compulsory inspection, grading, classification, and marketing thereof under the authority of the Commissioner of Agriculture of the State of Texas; defining certain terms, adopting the United States grades and standards for cabbage and authorizing the Commissioner to adopt other different and additional grades and standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate, and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors, and employees, from engaging in the business of buying and/or selling cabbage; providing for inspection and certification of shipments of cabbage in and/or from the State of Texas; defining the terms 'inspector and/or agents and/or employees of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; limiting the amount of contribution for inspection; making notice to the Commissioner by packers and/or shippers of cabbage and their intention to ship mandatory; providing that certificates issued under and by vir-

tue of Act shall be prima facie evidence of the truth of their contents in all Courts of the State of Texas; authorizing the Commissioner to prescribe container for use in the shipment of cabbage and regulating the re-use of such containers; defining 'deceptive pack' and providing that 'deceptive pack' shall be unlawful; making certain exclusions; providing for the proper marking of packages, parcels and containers of cabbage shipped in and/or from the State of Texas, providing penalties for violation of this Act; making this Act cumulative of all laws now on the Statutes of the State of Texas; repealing all Statutes or parts of Statutes directly in conflict herewith; and declaring an emergency."

H. B. No. 646, A bill to be entitled "An Act providing for the purchase by the Texas Prison Board from T. E. Humphrey, of 190.4 acres of land, part of the P. Gray League, Abstract No. 24, in Walker County, Texas, for a cash consideration to be paid out of moneys to be received by the Texas Prison Board from the sale of certain lands in Walker County, Texas, to the City of Huntsville; and declaring an emergency."

H. B. No. 305, A bill to be entitled "An Act providing for the creation of a lien by written agreement between a factor and borrower, as defined therein, upon merchandise, as defined therein, in the custody or possession or that may come into the custody or possession of the borrower; that the lien of the factor shall be effectual against claims of unsecured creditors of the borrower and subsequent creditors, except liens arising out of contractual acts of the borrower with reference to processing, warehousing, shipping, or otherwise dealing with the merchandise in the usual course of the borrower's business preparatory to their sale; that when the merchandise is sold in the ordinary course of business the purchaser shall take same free of the factor's lien, and the lien shall attach to proceeds arising out of such sales in the hands of the borrower; providing that the Act shall not apply to any stock of goods, wares or merchandise daily exposed to sale at retail in parcels in the regular course of business in such merchandise; providing that if any provision of the Act be held invalid, such invalid-

ity shall not affect any other provision; and declaring an emergency."

H. B. No. 263, A bill to be entitled "An Act amending Article 7257 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 284, Section 1, Acts of the Forty-fourth Legislature, Regular Session; providing additional duties of the Tax Assessor and Collector of any County, City, School District, or other political subdivision; requiring the showing on every tax receipt given by him all taxes delinquent on the same or other real property within the county, city, school district, or other political subdivision, assessed against the taxpayer; providing for penalties for failure to show such delinquencies; providing for a seal for such Tax Assessor and Collector."

H. B. No. 825, A bill to be entitled "An Act to amend Article 7331, Revised Civil Statutes of Texas, 1925, as amended, providing a limit of three (\$3.00) dollars which may be taxed as costs by the tax collector against any one delinquent as fees for his services thereunder; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk House of Representatives.

#### Recess

Senator Taylor moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Spears moved that the Senate recess to 2:30 o'clock p. m. today.

Question first recurring on the motion of Senator Taylor, it was lost.

Question next recurring on the motion of Senator Spears to recess to 2:30 o'clock p. m. today, it prevailed.

The Senate, accordingly, at 12:15 o'clock p. m. took recess to 2:30 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

#### Messages from the Governor

The following messages previously received from the Governor, were laid

before the Senate, and were read and referred to the committee on Nominations of the Governor:

Austin, Texas,  
April 19, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the Board of Regents, State Teachers Colleges:

For six year terms to expire January 10, 1951:

Mrs. J. K. Beretta of San Antonio, Bexar County.

V. A. Collins of Livingston, Polk County.

Henry T. Fletcher of Presidio County.

To fill the unexpired term of Honorable J. E. Josey, deceased, term to expire January 10, 1947:

Walter F. Woodul of Houston, Harris County.

To be members of the State Board of Public Accountancy to terms expiring January 17, 1947:

A. H. Freeman of Wichita Falls, Wichita County.

O. H. Maschek of Beaumont, Jefferson County.

J. A. Phillips of Houston, Harris County.

C. A. Freeze of San Angelo, Tom Green County.

George R. Donnell of San Antonio, Bexar County.

To be member of the State Board of Public Welfare for the term expiring January 20, 1951:

Roy M. Kasling of Hughes Springs, Cass County.

Respectfully submitted,  
COKE R. STEVENSON.  
Governor of Texas.

Austin, Texas,  
April 19, 1945.

To the Senate of the Forty-ninth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be member and chairman of the Livestock Sanitary Commission for a six year term to expire May 4, 1951:

Roy Loventhal of Lufkin, Angelina County.

To be members of the Board of Directors of the Central Colorado River Authority for terms expiring January 1, 1947:

Dr. E. L. Knox of Coleman, Coleman County.

R. G. Hollingsworth of Coleman, Coleman County.

To be members of the State Board of Nurse Examiners for six year terms to expire April 9, 1951:

Miss Bernice Johnson of Austin, Travis County.

Miss Blanch Thompson of Fort Worth, Tarrant County.

Respectfully submitted,  
COKE R. STEVENSON.  
Governor of Texas.

New Member of Conference Committee on Senate Joint Resolution 7

The President laid before the Senate, and had read, the following communication:

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Austin, Texas.

Dear Sir: I herewith submit my resignation as a member of the Conference Committee on S. J. R. No. 7.  
WEINERT.

The President announced the acceptance of the resignation, and the appointment of Senator Lane as a member of the Conference Committee on S. J. R. No. 7, in the place of Senator Weinert, resigned.

#### Message from the House

Hall of the House of Representatives,

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 297, Making it unlawful for any person or persons to move into or occupy, or possess, or take possession of another's house or building, or unlawfully withhold same without consent of the owner and providing a penalty therefor; and declaring an emergency.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**House Bills on First Reading**

The following House bills received from the House to day, were laid before the Senate, read first time, and referred to the committee indicated:

- H. B. No. 730, to Committee on Stock and Stock Raising.
- H. B. No. 729, to Committee on Stock and Stock Raising.
- H. B. No. 31, to Committee on Civil Jurisprudence.
- H. B. No. 125, to Committee on Civil Jurisprudence.
- H. B. No. 836, to Committee on Highways and Motor Traffic.
- H. B. No. 592, to Committee on Civil Jurisprudence.
- H. B. No. 780, to Committee on Game and Fish.
- H. B. No. 443, to Committee on Public Lands and Land Office.
- H. B. No. 540, to Committee on Civil Jurisprudence.
- H. B. No. 548, to Committee on Banking.
- H. B. No. 137, to Committee on Civil Jurisprudence.
- H. B. No. 230, to Committee on Public Health.
- H. B. No. 353, to Committee on Education.
- H. B. No. 667, to Committee on Education.
- H. B. No. 181, to Committee on Veterans' Affairs.
- H. B. No. 562, to Committee on Stock and Stock Raising.
- H. B. No. 411, to Committee on State Affairs.
- H. B. No. 530, to Committee on Civil Jurisprudence.
- H. B. No. 813, to Committee on State Affairs.
- H. B. No. 816, to Committee on Education.
- H. B. No. 732, to Committee on State Institutions and Departments.
- H. B. No. 518, to Committee on Criminal Jurisprudence.
- H. B. No. 817, to Committee on Criminal Jurisprudence.
- H. B. No. 382, to Committee on Civil Jurisprudence.
- H. B. No. 474, to Committee on Education.
- H. B. No. 282, to Committee on State Affairs.

- H. B. No. 793, to Committee on Counties and County Boundaries.
- H. B. No. 571, to Committee on Criminal Jurisprudence.
- H. B. No. 511, to Committee on Civil Jurisprudence.
- H. B. No. 616, to Committee on Penitentiaries.
- H. B. No. 798, to Committee on Civil Jurisprudence.
- H. B. No. 437, to Committee on Judicial Districts.
- H. B. No. 694, to Committee on State Affairs.
- H. B. No. 693, to Committee on Education.
- H. B. No. 637, to Committee on Civil Jurisprudence.
- H. B. No. 636, to Committee on State Affairs.
- H. B. No. 179, to Committee on Veterans' Affairs.
- H. B. No. 835, to Committee on Towns and City Corporations.
- H. B. No. 846, to Committee on Education.
- H. B. No. 128, to Committee on Privileges and Elections.
- H. B. No. 760, to Committee on State Institutions and Departments.
- H. B. No. 755, to Committee on Finance.
- H. B. No. 633, to Committee on Criminal Jurisprudence.
- H. B. No. 791, to Committee on Civil Jurisprudence.
- H. B. No. 475, to Committee on Civil Jurisprudence.
- H. B. No. 344, to Committee on Privileges and Elections.
- H. B. No. 480, to Committee on Civil Jurisprudence.
- H. B. No. 704, to Committee on Finance.
- H. B. No. 740, to Committee on State Affairs.
- H. B. No. 656, to Committee on State Affairs.
- H. B. No. 334, to Committee on Education.
- H. B. No. 279, to Committee on Public Lands and Land Office.
- H. B. No. 565, to Committee on Public Debts, Claims and Accounts.
- H. B. No. 503, to Committee on Civil Jurisprudence.
- H. B. No. 626, to Committee on Criminal Jurisprudence.

H. B. No. 278, to Committee on Criminal Jurisprudence.

H. B. No. 829, to Committee on Public Lands and Land Office.

H. B. No. 828, to Committee on Education.

H. B. No. 64, to Committee on Agriculture.

H. B. No. 646, to Committee on Public Lands and Land Office.

H. B. No. 305, to Committee on Civil Jurisprudence.

H. B. No. 263, to Committee on Civil Jurisprudence.

H. B. No. 635, to Committee on State Institutions and Departments.

H. B. No. 825, to Committee on Civil Jurisprudence.

H. B. No. 121, to Committee on Civil Jurisprudence.

H. B. No. 297, to Committee on Criminal Jurisprudence.

#### Senate Bill 96 on Passage to Engrossment

Senator Chadick called S. B. No. 96 from the President's table for further consideration at this time.

The President laid before the Senate on its passage to engrossment, (the bill having been read second time, amended, and tabled subject to call on April 16, 1945):

S. B. No. 96, A bill to be entitled "An Act providing a tax receipt regularly issued by a person authorized to do so shall be admitted in evidence in any Court action wherein payment of the tax receipted for is at issue and shall constitute a full defense to any action to collect such tax, and declaring an emergency."

Question—Shall the bill be passed to engrossment?

Senator Chadick offered the following amendment to the bill:

Amend Senate Bill No. 96 by striking out all of the Chadick amendment heretofore adopted and inserting in lieu thereof the following:

"Provided, however, if the receipt is given in exchange for anything except lawful money and such fact is noted on the receipt, such receipt shall not be conclusive nor constitute a defense to an action to collect such tax unless the tax collector does in fact

receive lawful money in payment of the tax."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 96, by adding the following at the end of Section 1:

"All County Tax Collectors shall, upon request of any taxpayer, furnish a statement of all taxes—both current and delinquent, including poll tax—due on all property rendered for taxation by said taxpayer, of all taxes that are to be collected by law by such collector, and upon payment of all of such taxes the tax collector shall issue a receipt stating that all taxes due on such property have been paid in full. No taxes shall ever be collected on such property for the period covered by this receipt."

The amendment was adopted.

(Senator Mauritz in the Chair)

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill failed to pass to engrossment by the following vote:

Yeas—8

Bullock	Jones
Carney	Knight
Chadick	Morris
Hazlewood	Stone

Nays—18

Aikin	Parrish
Brown	Ramsey
Lane	Spears
Lanning	Stanford
Martin	Sulak
Mauritz	Taylor
Metcalfe	Weinert
Moffett	Winfield
Moore	York

Absent

Crawford	Shivers
Graves	

Absent—Excused

Kelley	Vick
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Senator Aikin moved to reconsider the vote by which Senate Bill No. 96 failed to pass to engrossment.

The motion to reconsider prevailed.

By unanimous consent, Senator

Aikin was permitted to withdraw the amendment which he had offered to the bill and which had been adopted by the Senate.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

Senate Bill No. 96 failed to pass to engrossment by the the following vote:

**Yeas—12**

Aikin	Knight
Bullock	Martin
Carney	Morris
Chadick	Stone
Crawford	Sulak
Jones	Winfield

**Nays—14**

Brown	Parrish
Graves	Ramsey
Lane	Spears
Mauritz	Stanford
Metcalfe	Taylor
Moffett	Weinert
Moore	York

**Absent**

Hazlewood	Shivers
Lanning	

**Absent—Excused**

Kelley	Vick
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**Senate Bill 210 on Second Reading**

The Presiding Officer laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 210, A bill to be entitled "An Act to amend Article 5921, Title 96, of the Revised Civil Statutes of Texas of 1925, relating to removal of disabilities of minors so as to provide that minors above the age of eighteen years of age can have their disabilities of minority removed; and declaring an emergency."

The bill was read second time.

On motion of Senator Graves, the bill was laid on the table subject to call.

**House Bill 548 on Second Reading**

The Presiding Officer laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 211, A bill to be entitled "An Act to amend Article 4, Chapter V. Subsections 1 and 2 of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, to prescribe the terms under which State Banks can make loans upon the security of real estate; and declaring an emergency."

Senator Graves moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 548 (being identical with S. B. No. 211) be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Weinert
Martin	Winfield
Maurtiz	York
Metcalfe	

**Absent—Excused**

Kelley	Vick
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The Presiding Officer laid H. B. No. 548 before the Senate, on its second reading and passage to third reading.

The bill was read second time and passed to third reading.

**House Bill 548 on Third Reading**

The Presiding Officer then laid H. B. No. 548 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Jones
Brown	Knight
Bullock	Lane
Carney	Lanning
Chadick	Martin
Crawford	Mauritz
Graves	Metcalfe
Hazlewood	Moffett

Moore	Stone
Morris	Sulak
Parrish	Taylor
Ramsey	Weinert
Spears	Winfield
Stanford	York

Absent

Shivers

Absent—Excused

Kelley	Vick
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**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 218, An Act amending Article 5732, Revised Civil Statutes of Texas, 1925, prescribing the units or standard of measure of capacity for liquids and prescribing indications for liquid measuring devices for fractional gallon deliveries; defining a liquid measuring device; and declaring an emergency.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

**Senate Bill 235 on Second Reading**

The Presiding Officer laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 235, A bill to be entitled "An Act providing for and fixing the salaries of the Justices of the Supreme Court, the Judges of the Court of Criminal Appeals, the Judges of the Supreme Court Commission of Appeals, and the Judges of the Commission in Aid of the Court of Criminal Appeals, the Justices of the Court of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas; repealing all laws in conflict with this Act; and declaring an emergency."

(President in the Chair)

The bill was read second time.

The bill was passed to engrossment by the following vote:

Yeas—17

Brown	Ramsey
Carney	Spears
Crawford	Stanford
Graves	Stone
Knight	Taylor
Lane	Weinert
Mauritz	Winfield
Moffett	York
Parrish	

Nays—7

Aikin	Metcalf
Bullock	Morris
Chadick	Sulak
Lanning	

Present—Not Voting

Moore

Absent

Hazlewood	Martin
Jones	Shivers

Absent—Excused

Kelley	Vick
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**Motion to Place Senate Bill 235 on Third Reading**

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 235 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—14

Brown	Spears
Carney	Stanford
Crawford	Stone
Knight	Taylor
Martin	Weinert
Parrish	Winfield
Ramsey	York

Nays—11

Aikin	Mauritz
Bullock	Metcalf
Chadick	Moffett
Graves	Morris
Lane	Sulak
Lanning	

Present—Not Voting

Moore

Absent

Hazlewood	Shivers
Jones	

## Absent—Excused

Kelley

Vick

## Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following House bills and resolutions:

H. B. No. 175, A bill to be entitled "An Act to amend Article 7117 of the 1925 Revised Civil Statutes of Texas, as amended by House Bill No. 990, Section 1, Chapter 13, Acts of the Forty-sixth Legislature, 1939, so as to exempt from inheritance tax the intangible personal property of a non-resident who was, at the time of his death, a resident of the State or territory of the United States, or a foreign country, which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State or whose laws contained a reciprocal provision under which non-residents were exempt from such transfer or inheritance tax on such intangible personal property provided the State or territory or foreign country of the residence of such non-resident allowed a similar exception to residents of the State, territory or foreign country of the residence of said decedent, and declaring an emergency."

H. B. No. 804, "An Act creating the Good Neighbor Commission of Texas, prescribing its powers and duties, appropriating funds for its expenses, and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act to amend Article 4744, Revised Civil Statutes of 1925, and declaring an emergency."

H. C. R. No. 59, Extending an invitation to the Beaumont Melody Maids to appear in concert before a Joint Session of the Legislature.

H. C. R. No. 42, Relative to granting certain easement to the City of Austin.

H. C. R. No. 47, Requesting the Governor to designate the week beginning February 19, 1946, a "Texas Centennial Statehood Week."

H. C. R. No. 58, Commemorating the late President Franklin D. Roosevelt.

## Senate Bill 269 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 269, A bill to be entitled "An Act to amend Section 2a, Section 2b, and Section 3 of Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended by providing that all containers and pertinent equipment used or to be used for storage, transporting and/or dispensing of liquefied petroleum gases, together with appliances using or to use said gas, shall be designed, constructed, assembled, equipped and installed as specified by the rules and regulations of the Railroad Commission; etc., and declaring an emergency."

The bill was read second time.

Senator Stone offered the following amendment to the bill:

Amend Senate Bill No. 269 by striking out all of said bill except the enacting clause by substituting in lieu thereof the following:

## A BILL

## To Be Entitled

An Act to amend Section 2a, Sec. 2b, and Sec. 3 of Article 6053 of the Revised Civil Statutes of Texas of 1925, as amended, by providing that all containers and pertinent equipment used or to be used for storage, transporting and/or dispensing of liquefied petroleum gases, together with appliances using or to use said gas, shall be designed, constructed, assembled, equipped and installed as specified by the rules and regulations of the Railroad Commission, providing that the selling, exposing for sale, constructing, assembling, repairing, equipping, installing, filling with fuel, storage of fuel within, dispensing of fuel therefrom, or transporting fuel within such containers, and/or equipment, and the selling, exposing for sale or using of such appliances, without same having been designed, constructed, assembled and equipped as specified by the Railroad Commission, is in violation of this Act, and constitutes a misdemeanor, providing fines for such violations to be in addition and supplemental to other fines, penalties and restrictions imposed, de-

fining the term "fuel," requiring the Railroad Commission to prescribe additional safety rules and regulations in regard to such equipment as used in transporting liquefied petroleum gases, providing that persons, firms and corporations, engaged in the manufacturing, and/or assembling, and/or repairing, and/or installing of such containers, equipment, or engaged in the sale, transportation, dispensing or storage of liquefied petroleum gases, must have a license, providing for requirements to be met by applicant before issuance of a license is authorized and for a hearing thereon, providing for authority of Railroad Commission to make rules and regulations for safety and protection of the public, providing for authority of Railroad Commission to require each retail seller or installer of such containers and/or pertinent equipment to have at least one person qualified and approved by the Railroad Commission, in their regular employ, providing for license to issue without regular examination to operators and dealers who were in bona fide legal operation on and subsequent to May 1, 1942, providing for annual license fees, bonds, and insurance to be given by such licensees, empowering the Railroad Commission to refuse to grant licenses, and to cancel or suspend licenses, providing for appeal from action of Railroad Commission, in cases where license is refused, suspended or revoked, providing for process for witnesses and evidence and fees and for such witnesses; providing a penalty for witnesses who fail to obey such process, providing for a penalty for failure to comply with this Act, after receipt of any order of the Commission, and further providing for a suit for collection of such penalty, providing that if any clause, provision, section, or part of this Act be adjudged invalid, the remainder of this Act shall not be affected thereby; and declaring an emergency.

Section 1. That Section 2a, Section 2b, and Section 3 of Article 6053 of the Revised Civil Statutes of Texas 1925, as enacted in 1920 by the Third Called Session of the Thirty-sixth Legislature, page 18, Chapter 14, and as amended by Acts, 1937, Forty-fifth Legislature, Act 1939, Forty-sixth

Legislature, be and the same are hereby amended to read as follows:

"Section 2a. All containers and pertinent equipment used or to be used in this State for the storage, transporting and/or dispensing of liquefied petroleum gases, by either industrial, commercial and/or domestic users, together with appliances used or to be used in this State with liquefied petroleum gases as a fuel, shall be designed, constructed, assembled, equipped and installed as specified by the rules and regulations of the Railroad Commission, adopted and/or promulgated as provided in this Act.

The selling or exposing for sale, or constructing, or assembling, or repairing, or equipping, or installing, or filling with fuel, or storage of fuel within, or dispensing fuel therefrom, or transporting fuel within such containers and/or pertinent equipment, and the selling or exposing for sale or using of such appliances using or to use liquefied petroleum gas as a fuel, without same having been designed, constructed, assembled, and equipped as specified by the rules and regulations of the Railroad Commission as provided for in this Act, shall be a violation of this Act and shall be subject to all fines, penalties and restrictions provided in this Act and Title 102, Revised Civil Statutes of Texas, 1925, as amended. The use of the term "fuel" herein means "liquefied petroleum gases."

In addition to and supplemental of injunctive relief and other penalties provided, any violation of this Act and/or the rules and regulations of the Railroad Commission promulgated hereunder, shall constitute a misdemeanor and be punishable in any court of competent jurisdiction by a fine of not less than Five (\$5.00) Dollars and not more than Two Hundred (\$200.00) Dollars. Each day such violation continues shall constitute a separate offense and be punishable as such.

In the manner provided in Section 4 of this Act, the Railroad Commission of Texas shall have full power and authority to adopt and promulgate such rules and regulations as shall be reasonably necessary to carry out the purpose of this Act and for the protection, health, welfare and safety of the public and persons using such materials and shall be in substantial conformity with generally accepted standards of safety con-

cerning the same subject matter, such as the regulations recommended by the National Fire Protection Association and adopted and published by the National Board of Fire Underwriters. In addition to all other rules and regulations, the Railroad Commission shall be required to prescribe that trucks or trailers on which is mounted bulk tanks with facilities for unloading liquefied petroleum gas contents into other containers shall be so arranged that all rigid pipes or valves are recessed or otherwise protected by heavy guard rails to afford maximum protection against breaking off or dislocating said pipes or valves in case of an accident. Containers subject to the regulations of the Interstate Commerce Commission and containers which are owned or used by the Government of the United States of America are excepted from the provisions of this Section. Provided, however, that nothing herein shall be construed to alter, modify, or amend the Motor Carrier Law of the State of Texas. The Department of Public Safety of the State of Texas shall cooperate with the Railroad Commission of Texas in the enforcement of the provisions of this Act.

"Section 2b. (1) No person, firm or corporation shall engage in this State in the manufacturing, and/or assembling, and/or repairing, and/or selling, and/or installing of containers to be used with liquefied petroleum gases as a fuel, nor shall such person, firm, or corporation engage in the sale, transportation, dispensing or storage of liquefied petroleum gases within this State, except where stored by the ultimate consumer for consumption only, without having first obtained from the Railroad Commission of Texas under the provisions of this Act a license so to do. Applications for such licenses shall be in writing and shall contain such information as the Commission shall prescribe. No such license shall be issued until a hearing is had thereon and the Commission has determined that the applicant has made good and sufficient proof that he can and will meet all safety requirements provided in this Act and by the Rules and Regulations of the Railroad Commission, and the Commission finds that such applicant is qualified and the evidence adduced justifies issuance of such license. The Railroad Commission shall have the authority to promulgate rules and regulations for the safety and protection of the public.

Provided further that the Commission shall have the authority to require every person, firm or corporation who makes installations or repairs of containers, equipment, and/or appliances, or firms, persons or corporations using installation men, service men, and repair men, to have at least one person in their regular employ who shall prove through an examination given by the Railroad Commission that he has a thorough knowledge and understanding of the containers, appliances and equipment they intend to install, and providing further that he is competent and qualified to properly install, service and/or repair such containers, appliances and equipment, such examination to be based upon recognized standard codes and practices as promulgated by the Railroad Commission. Persons, firms, corporations or associations who handle appliances exclusively for use with natural gas, and who do not offer their appliances for sale or use with liquefied petroleum gases, are exempted from the provisions of this Act.

Provided further that any operator or dealer in this State for which application is made who was in bona fide legal operation on and subsequent to May 1, 1942, upon written application for such license made to the Commission within sixty (60) days from the effective date of this Act, and satisfied the Commission that the applicant has satisfactory knowledge of the subject matter, the Commission shall issue to such applicant, upon satisfactory proof that such operator or dealer was in bona fide legal operation in the State on May 1, 1942, and had been so continuously since such time, a license authorizing the continuance of such operation and pending determination of such application the continuance of such operations shall be lawful; provided, same shall be subject to compliance with the terms and provisions of this Act.

(2) For the purpose of defraying the expenses of administering this Act, each person, firm, corporation or association engaged in one or more of the pursuits named in subsection (1) of this Section, except as otherwise provided in this subsection, shall at the time of issuance of such license, and annually thereafter, on or between September 1 and September 15 of each calendar year pay to the Railroad Commission a special fee of Twenty-five (\$25.00) Dollars.

If the license here provided for is issued after the month of September of any year, all fees shall be prorated to the remaining portion of the year to August 31 following, but in no case less than one-fourth of the total annual fee.

(3) No license shall be issued pursuant to this Section, unless such licensee shall first file with the Commission a surety bond in the sum of Two Thousand (\$2,000.00) Dollars with a bonding company authorized to do business in Texas.

In addition to the bond herein required such licensee, shall be obligated to procure from some reliable insurance or surety company qualified to do business in the State of Texas, and keep same in force so long as they shall continue in business, a policy of insurance or surety bond which shall guarantee the payment of all damages which proximately result from any act of negligence, while engaging in any of the activities as herein provided, on the part of said licensee, their agents and employees, to both the employees of said licensees and also to the public generally, said policy or bond to be in the sum of not less than Ten Thousand (\$10,000.00) Dollars for personal injury for any one accident, and not less than Five Thousand (\$5,000.00) Dollars for property damage for any one accident.

(4) The Commission shall have the power and authority, and it shall be its duty to refuse to grant a license to any applicant, or to cancel the license of any licensee, if it shall appear to the Commission, upon hearing as herein provided that such applicant or licensee has violated or failed to comply with any provision of the Act.

(5) Upon receipt of written complaint, in such form as it may prescribe, from one of its own authorized representatives stating that a licensee hereunder has wilfully or negligently violated or failed to comply with any of the provisions of this Act, the Commission is authorized and empowered and its duty shall be to hold a hearing under the provisions of this Act, and under such rules and regulations not inconsistent therewith as the Commission may prescribe, to consider such complaint. If at such hearing the Commission finds that such licensee has violated or failed to comply with any of the pro-

visions of this Act, then the Commission shall revoke or suspend such license as it may find the ends of justice will be better subserved. The Commission is authorized and empowered to investigate on its own motion any matters pertaining to the subject of this Act, and shall have the power to hold such hearing as it may deem necessary therefor, to summon and compel the attendance of witnesses, to require the production of any records or documents deemed by it to be pertinent to the subject matter of any investigation and to provide for the taking of depositions of witnesses under such rules as it may prescribe.

(6) Notice of any hearing, and of the time and place thereof shall be given by registered mail not less than ten (10) days exclusive of the day of mailing before such hearing addressed to all parties whom the Commission may deem to be interested in the subject matter of such hearing. Any licensee against whom a complaint has been filed shall be notified of the hearing on such complaint as herein provided, and shall have the right to appear at such hearing, file answer, introduce evidence, and be heard both in person and by counsel.

(7) At the conclusion of any hearing held to consider a complaint filed against any licensee hereunder, the Commission shall enter its findings and judgment in writing, and the same shall be recorded in a permanent record to be kept by the Commission, and a copy thereof shall be furnished to the licensee complained against. Any licensee whose license is cancelled or suspended by the Commission, may within thirty (30) days after such cancellation or suspension, and not thereafter, file an action for reinstatement against the Commission in the District Court of the residence of the licensee or applicant for license, and such appeal to said District Court shall be a trial de novo, and such trial on appeal shall be the same as if such suit had been filed originally in said Court. If any licensee whose license has been cancelled or suspended by the Commission shall, within ten (10) days after the receipt of information of such cancellation or suspension, give notice in writing to the Commission of his intention to file such suit, the action of the Commission in suspending or cancelling such license shall be suspended for a period of thirty days (30) days, but unless suit

shall be filed within such time, the action of the Commission shall be final. If suit shall be filed against the Commission to reinstate such license within such time, the action of the Commission shall remain suspended until the validity of the license in question shall be determined by the Court in said suit.

The same procedure, rights and penalties, as herein specified in cases of revocation or suspension of licenses are available where applicable, in cases where the Commission refuses to grant a license. No formal notice of hearing on an application for license need be given applicant, other than that he be given a reasonable opportunity to appear in support of his application before the Commission renders its order refusing him a license. Appeal shall be to the District Court of Travis County, Texas, in all cases where an application for a license hereunder is denied, subject to the same limits and restrictions as in cases of appeal from revocations and suspensions.

For the purpose of enabling all parties to procure the personal attendance of witnesses in any suit brought in the District Court of Travis County, Texas, as provided in this Act, and in Title 102, Vernon's Annotated Revised Civil Statutes of the State of Texas, for purposes of injunctive relief, for collections of penalties, or for appeal from an order of the Commissioners, the clerk of said Court when such suit or appeal is pending, on the application of the Attorney General or any of his assistants, or on the application of any other party to said suit, shall issue a subpoena for any witness or witnesses who may be represented to reside within any county in the State of Texas, or to be found therein at the time of the trial provided the clerk shall not issue subpoenas in excess of five (5) to compel the attendance of State witnesses or a like number to compel the attendance of defense witnesses without first obtaining a written order from the trial judge. Should any witness, summoned as aforesaid, fail to appear and testify in said case he shall be guilty of contempt of court and may be fined not exceeding One Hundred (\$100.00) Dollars, and may be attached and imprisoned in jail until he shall attend said court in person and testify as to all facts within his knowledge with reference to the matter inquired

about; provided, however, that any witness who resides out of the county where such suit is pending shall not be required to attend said court and testify in person until the party or parties requesting his testimony shall have tendered him if requested by said witness sufficient money to defray his actual traveling expenses, not exceeding four cents (4) per mile going to and returning from the court by the nearest practical conveyance, and Two (\$2.00) Dollars per day for each day he may necessarily be absent from home as a witness in such cases. In case the State is the party requesting the personal attendance of such witness, such expenses shall be paid in the same manner as costs in felony cases. All books, papers, documents, etc., desired as evidence may be produced in the above provided manner.

(8) All fees received by the State from licenses issued under this Act shall be made available to the Railroad Commission for use in paying the legitimate expenses incurred in administering and enforcing the provisions of this Act, and for no other purpose; provided, however, that any excess funds, remaining at the end of each two-year period shall go to the General Fund.

"Section 3. The failure of any person, firm or corporation, municipal or otherwise, or any association engaged in manufacturing, distributing, storing, or handling such gases in this State, or manufacturing, selling, installing, using, fueling, or refueling such containers and pertinent equipment as set out in this Act, within forty-eight (48) hours after the receipt of any order of the Commission, to comply fully with this Act or any such order, rule, or regulation, shall be a violation of this Act, subjecting such person, or persons, and the officers and executives of such named concerns to a penalty of One Hundred (\$100.00) Dollars for each day that they shall fail to comply with such Act; and the Attorney General is empowered to bring suit for the collection of the same in the District Court of Travis County, Texas."

Section 2. If any clause, provision, section, or part of this Act shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not invalidate any other term or provision hereof and the Legislature hereby declares its intention

to re-enact each and every clause, requirement, provision and part hereof independently of any such part so invalidated.

Section 3. The fact that in the past few months lives have been lost from causes apparently due to improper handling and use of liquefied petroleum gases creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended in order that this bill may become a law immediately after it passes, and such rule is hereby suspended, and said Act, shall be in force from and after its passage, and it is so enacted.

The amendment was adopted.

Senator Ramsey offered the following amendment to the bill (as amended): .

Amend S. B. 269, as amended, page 7, line 14, by striking out the words "Travis County, Texas," and insert in lieu there of the following: "the residence of the applicant"

The amendment was adopted.

Question--Shall the bill be passed to engrossment?

#### Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred H. B. No. 548, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 835, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KNIGHT, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 805, have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed.

CHADICK, Chairman.

Austin, Texas,  
April 23, 1945.

Hon. John Lee Smith, President of the Senate.

Sir, We your Committee on Public Lands and Land Office, to whom was referred H. B. No. 646, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HAZLEWOOD, Chairman.

#### Message from the Governor

The following message, received from the Governor today, was laid before the Senate and was read and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
April 23, 1945.

To the Senate of the Forty-ninth Legislature:

Acting under authority of H. B. 138, passed by the Second Called Session of the 44th Legislature, the Board of Water Engineers has submitted to me the nominations hereinafter designated, and I am passing such recommendation on to you for your advice, consent and confirmation with respect to the following appointments:

To be Directors of the Guadalupe-Blanco River Authority for terms expiring February 1, 1951:

E. A. Schumann of New Braunfels, Comal County.

H. A. Wagenfuehr of New Braunfels, Comal County.

T. A. McDonald of Long Mott, Calhoun County.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

#### Adjournment

On motion of Senator Ramsey, the Senate at 5:25 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.